

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MARK M. THORNTON,
Plaintiff,

v.

NORTHEAST BUILDERS TRANSPORT,
INC. and BARRY N. EHRSTEIN,
Defendants.

C.A. NO.: 03-CV-12521-RGS

**JOINT MOTION FOR RECONSIDERATION OF THE COURT'S DENIAL OF THE
JOINT MOTION TO EXTEND DISCOVERY DEADLINE**

The parties to this action hereby move this Honorable Court to reconsider its denial of their joint motion to amend the discovery deadline imposed by the Court at the Scheduling Conference as the parties believe that additional discovery is needed to facilitate the resolution of this matter prior to trial. The parties request a hearing on this matter.

The plaintiff filed a complaint on December 16, 2003. This case arises out of a motor vehicle accident that occurred on January 22, 2001 at the intersection of Fellsway and Mystic Avenue in Somerville, Massachusetts. The plaintiff has alleged he suffered various bodily injuries and neurological damage as a result of this accident.

The parties have been and are currently actively engaged in discovery. Records requested and produced by plaintiff's neuropsychological expert, Dr. Scanlon, were incomplete. Further request has been made for these records. The defendant promptly requested that the plaintiff obtain the additional medical records. Plaintiff has assisted in also making a request for the records. Until the defendant receives all of the additional medical records, the defendant's expert is unable to fully review the matter.

The defendant has requested that the plaintiff produce family therapy records. Defendant has not yet received the documents. Further, the defendant subpoenaed the plaintiff's personnel file from his out of state employer. Plaintiff's employer agreed to produce the file, but required time to compile the records. After repeated inquiries to the plaintiff's employer, the file has not been sent to the defendant. Action to compel the records may be required.

An extension is sought so that the defendant may have further time to obtain additional medical records from the plaintiff's treating physicians, the plaintiff's entire personnel file and the plaintiff's therapy records. The defendant has been actively pursuing these documents.

The parties agree that additional time to perform discovery may facilitate the resolution of issues prior to trial. In addition, no party will endure prejudice should the Court continue the discovery deadline as requested in this motion and beyond the dates identified by the Court at the Scheduling Conference.

WHEREFORE, the parties respectfully request this Honorable Court reconsider its denial of the joint motion to extend the discovery deadline until November 30, 2004.

The parties request a hearing on this Motion.

Plaintiff,
Mark M. Thornton
By his attorney,



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Defendants,
Northeast Builders Transport, Inc. and
Barry N. Ehrstein,
By their attorneys,



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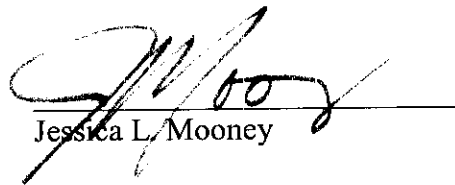
Dated:
00859879/12315-208

CERTIFICATE OF SERVICE

I, Jessica L. Mooney, hereby certify that on this day I caused a copy of the foregoing to be sent by first class mail, postage prepaid to the following counsel of record:

William H. Barry, III, Esq.
Barry Law Office
255 Main Street
Nashua, New Hampshire 03060

Dated: October 1, 2004



Jessica L. Mooney